

MINUTES
COMMISSIONERS OF BRIDGEVILLE
June 10, 2013 – 7:00 P.M.
TOWN HALL

I. CALL TO ORDER

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Sharon McDowell, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville.

III. APPROVAL OF AGENDA

President Correll advised she would like to add an Executive Session at the end of the Agenda, item number XII, concerning Personnel. Motion to approve the Agenda as amended – Tassone; 2nd – Kovack; motion carried. President Correll advised in the future she intends to call individual Commission members for their votes to assist the Town Secretary in correctly recording the votes.

IV. APPROVAL OF MINUTES

Mrs. Ruth Skala from 108 Whistling Duck Dr. requested a correction in the May 13, 2013 Commission minutes. She referred to a group of single family homes on Whistling Duck Dr. that were built very close together without enough room between them to perform repairs and maintenance. There was a misunderstanding that she was talking about her home. The minutes will be corrected to read, "There is so little room on the side of the house that the owner can't even have mold remediation done."

Motion to approve the Minutes from the May 13, 2013 Commission meeting and the May 14, 2013 Budget Workshop – Kovack; 2nd – Mervine; motion carried.

V. CORRESPONDENCE

Town Manager Savage advised the receipt of a letter from the Delaware Sports Museum Hall of Fame thanking the Town for their contribution in memory of Filmore Clifton for their 38th induction banquet.

The Town has received a letter from Ms. Dorothy Morris from the Office of State Planning. She has taken the place of Mr. Bryan Hall and is anxious to begin her assistance to the Town.

Senator Brian Pettyjohn wrote to thank the Commissioners for their letter concerning HB 81. He recommended that we watch the bill closely and try to attend committee meetings. Town Manager Savage will forward the committee meeting dates to the Commissioners for their participation. He agrees that the passage of HB81 would be a fiscal and personnel burden on Bridgeville.

VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – May 31, 2013

General Fund – \$212,314

Reserve Accounts – \$621,100

All Accounts total – \$1,009,723

Accounts Receivable – \$101,551

Budget Report Target – 92%

Income – \$2,037,038 (90%) Expenses – \$1,903,347 (84%)

Income to-date – \$133,691

Accounts Payable

Bills – \$47,862 Expected Expenses – \$263,300

Amount to be approved - \$311,162

Motion to approve the bills as presented – Tassone; 2nd – McDowell; motion carried 5 to 0.

VII. TOWN REPORTS

President Correll reported the Water Facility upgrade was anticipated to cost \$28,000; however, the Town staff was able to complete the project for under \$700. They are to be commended for their efforts to save the Town a significant amount of money.

Commissioner Tassone commended the Police Department for clearing all 10 assaults on their report; clearing all 16 narcotics and drug busts and clearing all 3 sex offenses on their monthly report.

Chief Longo advised the three cadets are doing very well, according to their lead drill instructor. They have participated in the torch run and in another run at Camp Barnes. They have done well at the range and their emergency operations vehicle course. They will graduate on August 2nd. President Correll encouraged the Commissioners to attend.

Chief Longo advised Police Canine Flash has done well and has found drugs and contraband in vehicles recently. The dog also participated in a Community Day in Greenwood.

Commissioner Tassone questioned the 19 fines levied by the Code Department. Town Manager Savage advised the fines total \$19,338 and most have been paid.

President Correll noticed a number of grass issues in the Code Department – 32 grass violations. She reminded the residents that grass clippings may not be placed in the streets. She has stopped by several homes to inform them of that code. The Town has a one-warning policy.

VIII. CITIZEN'S PRIVILEGE

Mrs. Ruth Skala from 108 Whistling Duck Dr. understands the FY2014 is increasing by 4.1% and asked what impact that will have on Town property taxes. Town Manager Savage advised there

will be no increase in fees in this budget. Many expenses have increased, such as employee health insurance, but there will be no increase in fees July 1st when the new budget begins.

IX. OLD BUSINESS

There was no Old Business to discuss at this meeting.

X. NEW BUSINESS

A. Special Recognition – Mr. Sidney Stein

President Correll reported Mr. Stein could not be in attendance this evening due to illness. He is being recognized for chairing the Town's Memorial Day Celebration on May 26th. The event was very meaningful and he is to be commended for his efforts on behalf of the Town. We are hoping he will feel better by next Thursday so this Certificate can be presented to him at Commissioner Tassone's monthly meeting at Heritage Shores.

B. Public Hearing and Possible Voting on An Ordinance to grant a Conditional Use of land in a C-1 Commercial District for a place of Worship to be located on certain parcels of land on the westerly side of U.S. Route 13 in the Town of Bridgeville containing 6.70 acres, more or less, being the application of Christ's Church of New Hope

Solicitor Schrader advised this application was heard by the Planning and Zoning Commission on May 15, 2013 and the members made a recommendation to the Commissioners of Bridgeville that the Conditional Use application be granted. Pastor John Herbst is present to represent the church.

17:00 It was determined the church has been at this location for four years. Pastor Herbst advised the land and building they meet in does not belong to the church; the Bridgeville Banquet Center is owned by Jimmy's Grille and Catering. The location has been very beneficial for their church. They were not at all aware for their need to obtain a Conditional Use for their use of the building and want to make everything legal. Code Enforcement Officer Butler has been very helpful to them concerning coming into compliance with the Town code. Pastor Herbst also asked consideration of returning the application fee of \$500, since they are a non-profit organization.

Solicitor Schrader opened the Public Hearing at 7:15 P.M. and asked if anyone wished to speak in favor or against the application. There being no questions or comments, the Public Hearing was closed at 7:16 P.M.

Solicitor Schrader commented it is unique to Bridgeville that Conditional Uses are required in all districts for churches. He advised a draft Ordinance has been distributed to the Commissioners for their review and pointed out that the applicant must secure all other licenses and permits required for the use of the premises as a place of worship from state, federal or county agencies with jurisdiction over the use of the property and shall otherwise comply with all applicable rules, regulations, statutes or ordinances relating to the use of the premises as a place of worship. The Conditional Use shall be limited to that structure on the premises identified as The Bridgeville Banquet Center. Solicitor

Schrader advised, based on the May 15th meeting, the Planning and Zoning Commission found that there are no impacts to the Town; there is already adequate water/sewer services, parking, police protection/fire protection, etc.

Motion to adopt this Conditional Use Ordinance including all conditions – Tassone; second Kovack. Motion carried with a vote of 5 to 0. It was determined that the application fee is a separate issue.

The Commission continued to discuss the church's request to return the \$500 application fee. President Correll advised other churches/non-profit organizations have made the same request and the fee has not been returned, as there are a number of expenses involved in an application, including advertising, Town staff, supplies and attorney fees. The Commission would need to vote on the matter. Commissioner Tassone questioned past actions. Town Manager Savage reported the Town used to return the fee to applications, but had stopped doing so recently, due to the expense involved in granting the hearing.

Looking at past history, the first application fee by the Fire Company was returned; the second was not. The Church Mouse Consignment Shop did not receive its application fee back. The Commissioners agreed that they need to be consistent in this matter. Town Manager Savage believes if there is an interest in waiving fees for non-profits, it should be codified, rather than making decisions on a case-by-case basis. Currently, there is no provision in the Code to waive the fee.

Commissioner Mervine questioned how much of the fee would have been used in this circumstance. Town Manager Savage advised all of it and possibly more. Commissioner Mervine believes if the money is spent entirely on the application, the Town shouldn't reimburse it. Town Manager Savage advised taxes are already waived for non-profits, which is a significant benefit.

Solicitor Schrader advised if no motion is made, the fee stands. Commissioner Mervine recommended keeping the fee in place.

Pastor Herbst questioned the fact that churches in Bridgeville must have Conditional Use approval in light of the first amendment allowing no laws against the establishment of religion. Solicitor Schrader advised our code was written by the Institute of Public Administration at the University of Delaware approximately 10 years ago. Many Towns are using this code, but finding that one size doesn't fit all, especially in small communities; however, it is the current code.

Solicitor Schrader suggested writing a fee policy for 501(c)3 organizations (Homeowners' Associations not included). If the organization provides services to the community, there would be a possibility of relief. A decision would have to be made who to favor and who not to favor. The Commission could also calculate actual cost for each application and charge that amount.

President Correll believes we need to research this further, as there are 9 or more churches in Bridgeville. She believes they will be prepared to make a decision at the next Commission meeting.

Motion to table the application fee issue – Kovack; second – Tassone. Motion carried 5 to 0.

XI. INTRODUCTION OF ORDINANCES

There were no Ordinances to be introduced at this meeting.

XII. EXECUTIVE SESSION - PERSONNEL

Motion to go into Executive Session – Tassone; second – Mervine. Motion carried 5 to 0. The Commission went into Executive Session at 7:33 P.M.

XIII. RETURN TO OPEN SESSION

The Commissioners returned to Open Session at 8:30 P.M. No votes were taken as a result of the Executive Session discussion.

XIV. ADJOURNMENT

Motion to adjourn – Tassone; 2nd – Kovack; motion carried. The meeting was adjourned at 8:32 P.M.

Respectfully submitted,

Lawrence Tassone

Lawrence Tassone, Commission Secretary

Peggy Smith

Peggy Smith, Transcriptionist